(c) Periodic testing requirements for compressors.

This system is required to be operable during Operational Modes 1–4 per the TSs. In addition, the PP system seal pressure is designed to continuously maintain a nominal pressure of 1.04 Pa during post-accident conditions. Since this penetration and associated valves are maintained at a pressure greater than or equal to post-loss-of-coolant accident containment pressure, containment leakage is unlikely through this penetration.

Based on the above, the staff finds that a schedular exemption is justified and that it is acceptable to delay the local leakage rate testing of the four subject valves in Penetration P–77 until final staff action is taken on these requests. Final staff action will be taken by December 31, 1995.

In addition, the Commission will not grant an exemption unless at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2), are present. One of the special circumstances is that: the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulations. The licensee presented the following discussion to show that the requested exemptions provide only temporary relief and that the licensee made good faith efforts to comply.

The Requested Exemptions Proved Only Temporary Relief and the License Made Good Faith Efforts to Comply

As discussed above, the exemption request is for short duration relative to the discovery of the aforementioned issues (30 days for Unit 2; completion of the upcoming refueling outage for Unit 1). All pathways that can be safely tested during reactor power operation for Unit 2 will be tested within 30 days. Such pathways for Unit 1 will be deferred until entry into Hot Shutdown at the completion of the upcoming outage (outage begins September 7, 1995). For pathways that cannot be tested during power operation, testing described in Attachment 1B will be performed during the next opportunity of sufficient duration when Unit 1 and Unit 2 are in Mode 5. The pathways selected for testing will be based upon the expected duration of the shutdown and the time required to prepare the pathways for testing. Pathways not tested during a Cold Shutdown will be tested during subsequent cold shutdowns that may occur prior to the upcoming refueling outages. In all cases, tests will be completed by the end of Unit 1 outage scheduled to commence September 7, 1995 and for Unit 2 prior to the completion of the September 1996 refueling outage. This meets an additional criterion for a special circumstance per item (v) of 10 CFR 50.12(a)(2)(v), i.e., ''The exemption would provide only temporary relief from the applicable regulation and licensee or applicant has made good faith efforts to comply with the regulation.'' ComEd believes that testing to be performed prior to September 15, 1995 for Unit 2 and during the upcoming refueling outage for Unit 1 demonstrates a good faith effort.

The exemption request is for a short duration relative to the discovery of the above issues. On Unit 2, the pathways that could be safely tested during power operation were tested prior to September 15, 1995. On Unit 1, this exemption allows the deferment of the testing of these pathways until Unit 1 enters hot shutdown during the current refueling outage. For pathways that can not be tested during power operation, the testing described in Attachment 1B will be performed on Unit 1 prior to the end of its current refueling outage and on Unit 2, prior to the completion of the refueling outage currently scheduled to commence in September 1996. The staff has decided that a good faith effort on the part of the licensee to comply with the regulations has been demonstrated by the testing that has already been completed on Unit 2, the testing that will be completed on Unit 1 prior to startup from its current refueling outage, and the schedule for completion of the remainder of the testing.

IV.

Sections III.B and III.D.2.(a) of 10 CFR Part 50, Appendix J, Option A, require that Type B local leakage rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. In addition, Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, Option A, require that Type C local leakage rate periodic tests shall be performed during reactor shutdown for refueling, but in no case at intervals greater than 2 years.

The licensee proposes an exemption to these sections which would provide relief from the requirement to perform the Type B and C containment leakage rate tests of certain penetrations and valves in accordance with the requirements of Sections III.B, III.C, and III.D of 10 CFR Part 50, Appendix J, Option A.

The Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determined, for the reasons discussed above, that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying the exemption; namely, that the exemption would provide only temporary relief and the licensee made good faith efforts to comply.

Based on its review of the licensee's justifications, the staff finds the licensee's requests for schedular exemptions for Type B and C tests of 10 CFR Part 50, Appendix J, Option A, that can be performed while at power (Attachment 1A to the licensee's letter) and those that must be performed while shutdown (Attachment 1B to the licensee's letter) to be acceptable. The staff has reviewed the licensee's requests for permanent exemptions for components in certain penetrations. To provide additional time for staff review before granting permanent exemptions, the staff will at this time grant only schedular exemptions until final staff action is taken on these requests for these components. Final staff action on these exemption requests will be taken prior to December 31, 1995.

Pursuant to 10 CFR 51.32, the Commission has determined that granting these exemptions will not have a significant impact on the human environment (60 FR 45499).

This exemption is effective upon issuance and shall expire upon completion of the Unit 2 refueling outage, currently scheduled to commence in September 1996.

Dated at Rockville, Maryland, this 20th day of November 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28978 Filed 11–27–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 61 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would be a one-time exception to the technical specifcation 3.9.12, ''Fuel Building Storage Air Cleanup System,'' to allow the fuel storage building air cleanup system to be inoperable during intervals in which new fuel rack modules will be moved into and old fuel modules will

be moved out of the fuel storage building (FSB).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with 10CFR50.92, CYAPCO has reviewed the proposed change and has concluded that it does not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10CFR50.92(c) are not compromised. The proposed change does not involve an SHC because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The requirements of technical specification 3/4.9.7 will be maintained at all times. Any heavy load (rack or rig) with a potential to drop on a rack will have no less than a 3 feet lateral free zone clearance from active fuel. Safe load paths will be developed for moving the rack modules in the FSB. The old or new rack modules will not be carried over any region of the pool containing fuel. In addition, there will be no fuel movement in the spent fuel pool when the modules are being relocated with the hatch open. Therefore, there is no possibility of a drop of a fuel assembly which would necessitate the use of the FSB air cleanup system when the hatch is open. There is no impact to the probability or consequences of any previously evaluated accidents due to this proposed modification.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

There is no potential for a new or different kind of accident from any previously analyzed. All failure modes that can cause an accident have been identified and evaluated. When the movements of a rack module are completed, and the roof hatch is closed, operation of the FSB air cleanup system will be verified. The system will be aligned and operated to verify the system maintains the spent fuel pool storage area at a negative pressure greater than 0 inch water gage differential, relative to the outside atmosphere as requirement [SIC] by the technical specifications. CYAPCO will assure that the plant is maintained in a safe condition by limiting rack movement with the yard crane only in the cask pit area; no rack movement will be allowed over stored fuel; any heavy loads will have no less than 3 feet lateral free zone clearance from active fuel and; no fuel assemblies will be moved while the roof hatch is open. Verification of system operation combined with the use of the safe load paths ensure that there is no potential for a new or unanalyzed accident.

3. Involve a significant reduction in a margin of safety.

There is no significant reduction in the margin of safety. The function of the FSB air cleanup system is to ensure that all radioactive material released from an irradiated fuel assembly will be filtered through the HEPA filters and charcoal adsorber prior to discharge to the atmosphere. The FSB air cleanup system shall be operable during operations involving the movement of fuel within the FSB or crane operation with loads over the storage pool. This requirement is to reduce radioactive iodine release in the event of a crane handling event involving spent fuel. Due to the safe load paths which will be utilized in the movements of the rack modules and the precluding of fuel movement with the hatch open, there is no postulated accident that can cause a fuel failure. The operation of the yard crane inside the SFB is physically limited to traverse between the crane bay and the spent fuel pool cask area due to the size of the roof hatch opening. All phases of the reracking activity will be conducted in accordance with procedures reviewed and approved by CYAPCO. Therefore, this change does not involve a significant reduction to the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 28, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition

should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 14, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 22nd day of November 1995.

For the Nuclear Regulatory Commission.

Alan Wang,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–28976 Filed 11–27–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–413 and 50–414]

Duke Power Company, et al.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-35 and NPF-52 issued to Duke Power Company, et al. (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina.

The proposed amendments would change the Updated Final Safety Analysis Report. The Catawba Updated Final Safety Analysis Report (UFSAR), Section 5.2.5, and the Safety Evaluation Report (SER) (NUREG-0954), related to the application for an operating license for Catawba Nuclear Station, Units 1 and 2, Section 5.2.5, ''Detection of Leakage Through Reactor Coolant Pressure Boundary,'' includes a review of the various Catawba reactor coolant leakage detection systems. The operability requirements for the Reactor Coolant Leakage Detection Systems are in Technical Specification 3.4.6.1 that requires that the following combination of systems be operable: (1) the Containment Atmosphere Gaseous Radioactivity Monitoring System (EMF39(L)), (2) the Containment Floor and Equipment Sump Level and Flow Monitoring Subsystems, and (3) either the Containment Atmosphere Particulate Radioactivity Monitoring System (EMF38(L)) or the Containment Ventilation Unit Condensate Drain Tank (VUCDT) Level Monitoring Subsystem.

The FSAR and SER state that EMF38(L) is seismic Category I. A licensee engineering review has determined that documentation does not exist to show that EMF38(L) is designed to withstand a Safe Shutdown Earthquake (SSE). The licensee's review relative to the necessity of seismic qualification for these monitors and analysis, performed pursuant to 10 CFR